



IPW/AJ

Patent  
Attorney Docket No. 1029650-000147

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of ) **MAIL STOP AF**  
Nobuaki Mihara et al. )  
Application No.: 10/798,400 ) Group Art Unit: 3763  
Filed: March 12, 2004 ) Examiner: LAURA A. BOUCHELLE  
For: CATHETER ) Confirmation No.: 6062  
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**CONDITIONAL NOTICE OF APPEAL AND PETITION FOR THREE-MONTH EXTENSION  
OF TIME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A final Official Action was issued in connection with the above-identified application on April 3, 2008. A response to that final Official Action was filed on July 3, 2008. That response pointed out that a reference relied upon in the Official Action does not qualify as prior art with respect to the claims of this application. The undersigned has repeatedly checked the Patent Office's Public PAIR system to determine the status of this application. The undersigned has also spoken to Examiner Bouchelle multiple times regarding the status of this application. Examiner Bouchelle verbally stated that a Non-Final Office Action would be forthcoming. Moreover, at least since October 2, 2008, Public PAIR has indicated the status of this application as "Non Final Action Counted, Not Yet Mailed".

To date, the Non-Final Office Action has not been mailed. Thus, in further response to the final rejection mailed April 3, 2008, applicant conditionally appeals the decision of the Examiner contained in the final rejection, in the event that the Office Action is not mailed. In such case, the Commissioner is hereby authorized to charge the appropriate government

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fees for the Notice of Appeal and the Petition for Three-Month Extension of Time set forth in  
37 C.F.R. §§ 1.17 and 41.20 to our Deposit Account No. 02-4800.

Respectfully submitted,

Buchanan Ingersoll & Rooney pc

Date: October 3, 2008

By: Peter T. deVore  
Matthew L. Schneider  
Registration No. 32814

Peter T. deVore  
Registration No. 60361

P.O. Box 1404  
Alexandria, VA 22313-1404  
703 836 6620



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